

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/006,648

REMARKS

Claims 1-5, 15 and 23-24 and 26 are all the claims pending in the application. Applicants cancel claim 25, and adds claim 26 by way of this Amendment.

Claims 1, 2, 4, 15, 23 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Plows et al. (4,075,974).

Claims 1-5, 15 and 23-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-195250 A.

Analysis of Prior Art Rejections

Claim 1 is the only claim in independent form; therefore, the following discussion is initially directed to this independent claim.

Claim 1 is directed to a film forming apparatus which includes, *inter alia*, a rotating unit for rotating a substrate and a film forming jig which is to be placed on the substrate. The rotation unit rotates to form a film when a film forming liquid is supplied directly to the outer peripheral face of the film forming jig.

In the present invention, a supply pipe is positioned eccentrically from the center of the jig. This structure allows the liquid to only be directly supplied to the outer peripheral face of the jig. As discussed in pending application (paragraph [0049] and Figs. 1A, 1B, 4 and 7), the resin is dropped from the supply pipe so as to be in contact with an outer peripheral face of the jig. The position of application of the resin allows for an even amount of resin to finally form on the substrate after rotation of the substrate.

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The cited prior art fails to teach or suggest this feature. In fact, each of Plows and JP '250 teach that the supply pipe is provided at the center of the cap (JP '150) or conical distributor (Plows). As illustrated in the drawings of each of these references, the supply pipe is provided directly above the center of alleged jig, and the liquid is thereby supplied directly to the top center of the alleged jig.

With respect to Plows, the Examiner concludes that the tip of the supply pipe is wider than the apex of the cone 31; however, the description is silent with respect to this dimension. Moreover, one cannot rely on the drawings for dimensions. Proportions of features in a drawing are not evidence of actual proportions when drawings are not scale. When a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. MPEP § 2125.

Thus, Plows does not teach that the liquid is to be supplied directly to the peripheral side surface. Moreover, even if one were to assume that the opening is wider than the apex of the cone shape, the opening is clearly disposed directly above the center of the apex, and thus, this reference fails to teach or suggest an apparatus in which the supply pipe is eccentric, i.e., off center.

With respect to JP '250, the supply pipe 5 is clearly disposed directly above the center of the cap 2; therefore, this reference fails to teach or suggest an apparatus in which the supply pipe is disposed eccentrically.

In view of the foregoing, claim 1 is not anticipated by Plows or JP '250.

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The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 1 above, by virtue of their dependency therefrom.

Moreover, claim 24 is patentable because the cited references fail to teach or suggest that the liquid is supplied to the peripheral side surface without being applied to an upper surface of the jig. JP '250 clearly illustrates that the cap has varying heights for its cap, since the liquid is supplied to the top center by the supply pipe and the liquid then drops down by gravity over the lower portions of the cap. Therefore, it makes no sense to conclude that the jig does not have an upper surface and that the liquid is not being supplied to the upper surface of the cap. Still further, a periphery is defined as an outermost part (see The American Heritage Desk Dictionary, 1981) and therefore it is improper to conclude that the top center of the cap is a part of the peripheral surface of the cap. Therefore, claim 24 is patentable for these additional reasons.

New claim 26 recites that “before the rotation unit rotates, the supply pipe is positioned substantially outside the film forming jig to supply the film forming liquid to be in contact with an outer periphery face of the film forming jig.” As noted in the above discussions, the supply pipe of the cited prior art is not positioned outside the jig as in the present invention. Rather, the supply is positioned top and center of the jig. Therefore, claim 26 is patentable for this additional reason.

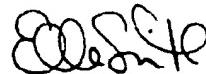
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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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